

## **EXHIBIT 9**

# **WEATHERFORD DECLARATION IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 IN RE: HIGH-TECH EMPLOYEE )  
6 ANTITRUST LITIGATION )  
7 ) No. 11-CV-2509-LHK  
8 THIS DOCUMENT RELATES TO: )  
9 ALL ACTIONS. )  
10 \_\_\_\_\_ )  
11

12 HIGHLY CONFIDENTIAL - FOR ATTORNEYS' EYES ONLY  
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14 VIDEO DEPOSITION OF ANN REEVES  
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16 MARCH 29, 2013  
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18 Reported by: Mary Ann Scanlan-Stone, CSR No. 8875,  
19 RPR, CCRR, CLR  
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10:13:19 1 question. You have the name Chizen there. It should be  
10:13:22 2 Mr. Cook.

10:13:30 3 THE REPORTER: I know. I looks different on my  
10:13:30 4 screen.

10:13:30 5 MR. SAVERI: All right. All right.

10:13:31 6 THE REPORTER: It's a different color on my  
10:13:33 7 screen.

10:13:34 8 MR. SAVERI: Fair enough.

10:13:35 9 Q. Did you have similar discussions with  
10:13:37 10 Mr. Moyer, Tom Moyer?

10:13:45 11 MR. RILEY: Objection. That calls for  
10:13:47 12 attorney-client privileged conversations. Mr. Moyer was  
10:13:51 13 an Apple attorney.

10:13:55 14 MR. SAVERI: So you're instructing the witness  
10:14:08 15 not to answer that question?

10:14:09 16 MR. RILEY: Yes. Mr. Moyer was an attorney  
10:14:12 17 advising the HR group, and I'll instruct the witness not  
10:14:14 18 to answer.

10:14:47 19 MR. SAVERI: Q. When did Apple agree with  
10:14:50 20 Pixar not to cold call each other's employees?

10:14:57 21 MR. RILEY: Objection to the form of the  
10:14:58 22 question.

10:15:02 23 THE WITNESS: Could you please rephrase the  
10:15:03 24 question.

10:15:03 25 MR. SAVERI: Just read it back, please.

10:12:51 1 between Apple and Garmin that limited hiring or  
10:12:53 2 recruiting?

10:12:54 3 A. No.

10:12:54 4 Q. How about AMD?

10:12:56 5 A. No.

10:12:57 6 Q. Are you aware of any agreements whatsoever  
10:12:59 7 between Apple and any other company that would limit  
10:13:02 8 hiring or recruiting of the other's employees?

10:13:05 9 A. No, I'm not.

10:13:12 10 Q. In your work in recruiting for Apple -- and I  
10:13:18 11 intend by that to sweep in all your work for Apple,  
10:13:21 12 essentially -- did you ever understand that contact  
10:13:26 13 between you or folks in your department and any other  
10:13:30 14 company were off limits?

10:13:32 15 A. Yes.

10:13:36 16 Q. And were there specific companies that you  
10:13:38 17 knew were off limits to contact?

10:13:44 18 A. For my particular teams, the -- and certainly  
10:13:47 19 in sales, more than any of the other groups, we were  
10:13:51 20 very cautious of any VARs or resellers of Apple products  
10:13:58 21 and felt it probably wasn't in either of our best  
10:14:00 22 interests to recruit from each other.

10:14:03 23 Q. Did you say buyers or resellers?

10:14:06 24 A. VARs -- value added resellers; they're a  
10:14:10 25 different level of reseller, V-A-R.

10:14:13 1 Q. Who are VARs?

10:14:14 2 A. Mostly smaller companies, generally, that have  
10:14:18 3 had distribution arrangements with Apple for our  
10:14:22 4 products. I'm not sure I can name any specific ones  
10:14:25 5 right now, but there -- there are many -- there are  
10:14:28 6 hundreds of these throughout the country.

10:14:29 7 Q. And by resellers, do you mean just retailers?

10:14:34 8 A. Uh-huh. Best Buy, Fry's, et cetera.

10:14:42 9 Q. Was it your understanding that you and the  
10:14:44 10 recruiters who worked for you were not to contact value  
10:14:48 11 added resellers and resellers generally for recruiting  
10:14:54 12 purposes?

10:14:54 13 A. Not as our first course of recruitment.  
10:14:57 14 Certainly we hired people from these companies while I  
10:15:00 15 was there. I'm sure they hired some people from us, but  
10:15:03 16 in general, when you have a partner, it's just common  
10:15:08 17 sense that you probably don't want to recruit from your  
10:15:11 18 partners.

10:15:13 19 Q. And was this -- was it your decision not to  
10:15:20 20 reach out to value added resellers and resellers as your  
10:15:24 21 first -- well, was -- who was it -- did anybody explain  
10:15:35 22 to you the relationship with Apple and resellers that  
10:15:38 23 ought to limit recruiting from them?

10:15:42 24 A. I suspect meetings with the vice presidents of  
10:15:44 25 the respective groups; we would discuss companies that

10:15:48 1 we felt were the -- the companies we wanted to target  
10:15:53 2 versus those we didn't.

10:15:56 3 And again, I think it was just general common  
10:15:58 4 sense. The sales VP would say to you, of course, you  
10:16:00 5 know, "Don't recruit from our VARs and resellers. Don't  
10:16:05 6 go after them first. We can find great people from  
10:16:08 7 companies that are not our partners."

10:16:15 8 Q. Did you understand that Apple had reciprocal  
10:16:18 9 agreements with the resellers not to hire each other's  
10:16:21 10 employees or -- well, I'll leave the question there.

10:16:26 11 A. No.

10:16:26 12 MR. TUBACH: Object to the form.

10:16:27 13 BY MS. LEEBOVE:

10:16:29 14 Q. Was it your understanding that Apple had a  
10:16:31 15 unilateral policy not to contact its resellers for  
10:16:35 16 recruiting purposes?

10:16:36 17 A. No.

10:16:36 18 Q. So how did -- and what was your understanding  
10:16:45 19 of how or why they were off limits?

10:16:47 20 A. Well, they were selling our products, so it  
10:16:49 21 probably doesn't make sense to go after the people to  
10:16:52 22 recruit them, when they're helping Apple by selling our  
10:16:56 23 products.

10:16:56 24 They're knowledgeable on our products,  
10:16:59 25 obviously, and they're an advantage, to have them out

1 I, Mary Ann Scanlan-Stone, Certified Shorthand  
2 Reporter licensed in the State of California, License  
3 No. 8875, hereby certify that the deponent was by me  
4 first duly sworn and the foregoing testimony was  
5 reported by me and was thereafter transcribed with  
6 computer-aided transcription; that the foregoing is a  
7 full, complete, and true record of said proceedings.

8 I further certify that I am not of counsel or  
9 attorney for either of any of the parties in the  
10 foregoing proceeding and caption named or in any way  
11 interested in the outcome of the cause in said caption.

12 The dismantling, unsealing, or unbinding of  
13 the original transcript will render the reporter's  
14 certificates null and void.

15 In witness whereof, I have hereunto set my  
16 hand this day: March 13, 2013.

17 \_\_\_\_\_ Reading and Signing was requested.

18 \_\_\_\_\_ Reading and Signing was waived.

19 \_\_\_X\_\_\_ Reading and signing was not requested.

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\_\_\_\_\_  
MARY ANN SCANLAN-STONE

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CSR 8875, RPR, CCRR, CLR

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